

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LINEAR TECHNOLOGY)
CORPORATION,)
)
Plaintiff,)
v.) C.A. No. 06-476 (GMS)
MONOLITHIC POWER SYSTEMS, INC.,)
)
Defendant.)
)

LINEAR'S RESPONSE TO MONOLITHIC'S MOTION TO REDACT CONFIDENTIAL INFORMATION FROM PUBLIC VERSIONS OF TRIAL TRANSCRIPTS

Plaintiff Linear Technology Corporation (“Linear”) responds to Defendant Monolithic Power Systems, Inc.’s (“Monolithic”) motion to redact certain portions of the trial transcript as confidential (the “Motion”) as follows.

1. A jury trial was held in this case from June 23-30, 2008.

2. Monolithic filed its Motion more than two months later, on September 2, 2008, the deadline for filing requests for redactions. Monolithic only provided Linear notice of its motion at the close of business that day, shortly before it filed its motion. Linear thus advised that it needed time to consider the proposed redactions.

3. Having now had the opportunity to review the proposed redactions, Linear does not oppose the redaction of the testimony of David Timm from Maxim Integrated Products (6/25/08 Tr. at 596:11 – 618:16), because Monolithic took steps during the trial to preserve its alleged confidentiality, including sealing the courtroom to those not authorized to view confidential information under the Protective Order.

4. Linear opposes the remainder of the proposed redactions, however, because Monolithic took no steps to preserve the purported confidentiality of the cited testimony during trial. Rather, that testimony was presented in open court without restriction. Monolithic

articulates no basis as to why this testimony should now be removed from the public record. Simply put, the public airing of that testimony cannot now be undone.

5. Monolithic's failure to request confidential treatment of evidence concerning its accused product during trial is not surprising given that that product has been discontinued and Monolithic stipulated that it would not sell it in the future if the patents in suit were found valid and infringed (which the jury so found). (D.I. 88.) There is simply no reason why testimony relating to a product that Monolithic voluntarily removed from the market should be redacted from the public record as confidential.

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September 8, 2008
#2475145

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on September 8, 2008, I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

Richard L. Horwitz
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I also certify that copies were caused to be served on September 8, 2008 upon the following in the manner indicated:

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